

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JOHN W. DURNELL,

Plaintiff,

v.

**COMMISSIONER OF SOCIAL
SECURITY,**

Defendant.

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Case No. 2:12-cv-765

JUDGE ALGENON L. MARBLEY

Magistrate Judge Kemp

OPINION & ORDER

On July 23, 2013, the United States Magistrate Judge issued a **Report and Recommendation** in this case (Doc. 17), recommending that the Court reverse the decision of the Commissioner and remand the case to the agency in order to clarify uncertainties in the record and permit a better-supported conclusion about Plaintiff's residual functional capacity during the time period in question. The parties were specifically advised of their right to object to the Report and Recommendation and of the consequences of their failure to do so. (*Id.* at 13). No objection has been filed.

Since neither party has objected, and the deadline for such objections elapsed on August 9, 2013, this Court **ADOPTS** the Magistrate Judge's Report and Recommendation. The decision of the Commissioner is hereby **REVERSED**. This action is **REMANDED** to the Commissioner for reconsideration in accordance with this Order.

IT IS SO ORDERED.

s/ Algenon L. Marbley
ALGENON L. MARBLEY
UNITED STATES DISTRICT JUDGE

DATED: January 17, 2014